

AIR RESOURCES COUNCIL
MINUTES OF ONLINE MEETING #280

11/14/2022

MEMBERS PRESENT: Chairman Robert Duval, Jay Leduc, Rudy Cartier Jr., Dave Cribbie, Mark Lambert, Kris Blomback, Elizabeth Tillotson, and J. Ryan Bielagus.

MEMBERS PRESENT BY PHONE: Georgia Murray.

NHDES – ARD PERSONNEL: Director Craig Wright, Karla McManus, Lisa Camire, Todd Moore, Ray Walters, Sheri Eldridge Cathy Beahm, John McCutcheon, and Mike Fitzgerald

OTHERS PRESENT: Shelley Marshall and Pam Monroe

THE PUBLIC PRESENT: John Tuthill

Call to Order:

Chairman Robert Duval called meeting #280 of the Air Resources Council (ARC) to order at 9:06 a.m. on Monday November 14, 2022. Chair Robert Duval announced that the Council had a quorum present.

Update on EC-Air 100 200 organizational rules:

Chair Duval introduced Legal Unit Administrator Pamela Monroe out of order for a brief update on the rule-making process in regard to the proposed ARC organizational rules update.

Administrator Monroe asked for approval from the Air Council of the draft that was submitted to the Legal unit at last month's Air Council meeting. On motion by Chair Duval seconded by Member Cartier, the Air Council voted all in favor to approve the draft organizational rules. A hearing will be scheduled for Monday February 13th, 2023.

Approval of Minutes:

Chair Robert Duval decided that at each Air Council meeting we will start with a roll call of who is attending the Air Council meeting. Chair Robert Duval announced which Council members were at this month's meeting before a motion was made to approve last month's meeting.

A motion to approve the minutes of meeting #279 moved by Elizabeth Tillotson and seconded by J. Ryan Bielagus. All were in favor, motion passed.

Division Activities and Legislative Update:

Chairman Robert Duval introduced Director Craig Wright of the Air Resources Division (ARD), who updated members of the ARC regarding issues relative to the ARD, including:

1. **NH Environmental Health Conference:** On October 27th, several staff from DES participated in the NH Environmental Health Conference at the Grappone Center in Concord. Formerly known as the NH Healthy Homes Conference, the event focused on the relationship between people and their environment; and fostering healthy and safe communities by promoting sound policy that protects the health, well-being, and quality of life in all communities throughout New Hampshire.

Environmental Health Program staff were involved in sessions on:

- Common water contaminants found in NH, providing residents, community leaders, and others with informational tools intended to address water quality concerns and reduce exposure to harmful contaminants.
- Environmental health and the State's process for responding to environmental concerns.
- ARD's Kathleen Errington and Marcus Chase - Forecasting and monitoring air quality, declaring Air Quality Action Days, and explaining the details of these events.
- A primer on what PFAS is and where they have been detected in New Hampshire, as well as explaining existing regulatory tools to address PFAS.

The following links were mailed to the Council per requested on November 15th, 2022.

[Civil Rights and Environmental Justice | NH Department of Environmental Services](#) DES Civil Rights and Nondiscrimination Web Page

[New Hampshire Department of Environmental Services Civil Rights and Nondiscrimination Implementation Plan \(nh.gov\)](#) DES Civil Rights and Nondiscrimination Plan

[Environmental Justice Index \(EJI\) \(cdc.gov\)](#) CDC Environmental Justice Index Web Page

[EJI Launcher \(cdc.gov\)](#) CDC Environmental Justice Index Map Based Tool

Status of Appeals: None

Rules:

1. Proposed Readoption of Env-A 400, *Acid Deposition Control Program*

Karla McManus, Planning and Rules Manager

Todd Moore, Air Permit Programs Manager

ARD is proposing to readopt Env-A 400, *Acid Deposition Control Program*, with just a few edits. The purpose of this rule is to implement RSA 125-D, the Acid Rain Control Act, so as to reduce the adverse effects of acid deposition on ecosystems and public health by reducing sulfur dioxide (SO₂) emissions from sulfur-emitting sources within New Hampshire. It is due to expire on March 19, 2023. Member Murray asked whether the role of NO_x should be considered in these rules. Director Wright said that NO_x emissions were already covered under separate rules.

David Cribbie motioned to start the 15-day clock and Council member Kris Blomback second the motion. All were in favor, motion passed.

2. Proposed Readoption of Env-A 1100, *Prevention, Abatement, and Control of Mobile Source Air Pollution*

Karla McManus, Planning and Rules Manager

Rebecca Ohler, Technical Services Bureau Administrator via cell phone

ARD is proposing to readopt Env-A 1100, *Prevention, Abatement, and Control of Mobile Source Air Pollution*, without any amendments. The purpose of this rule is to regulate emissions from all motor vehicles pursuant to RSA 125-C:6, XII. It is due to expire on May 22, 2023. There was a brief discussion of limitations on vehicle idling emissions.

Lynn Tillotson motioned to start the 15-day clock and Council member J. Ryan Bielagus second the motion. All were in favor, motion passed.

3. Amendments to Env-A 1303.02 and Env-A 1303.04, *Definitions and Recordkeeping for Startup, Shutdown and Low-Load Operation*

Karla McManus, Planning and Rules Manager

Cathy Beahm, SIP Planning Administrator

Lisa Camire, SIP Planning Analyst

ARD is proposing to amend Env-A 1303.02 and Env-A 1303.04, *Definitions and Recordkeeping for Startup, Shutdown and Low-Load Operation*, in accordance with a request by EPA to align our rules with the federal standards, so our NO_x Reasonably Available Control Technology (RACT) requirements can be approved as part of the RACT Certification for the 2008 Ozone NAAQS State Implementation Plan (SIP) that ARD submitted to EPA on September 5, 2018.

The current rule outlines the provisions of RACT applicable to utility boilers with a combined maximum heat output rate which exceeds 50 million British thermal units (Btu) per hour at any time after December 31, 1989, to satisfy the RACT SIP requirements for a major source of NO_x. As a state located within the Ozone Transport Region, New Hampshire is required to adopt RACT requirements into the SIP under Title I of the Clean Air Act, Section 184(b).

EPA staff identified the attached rule changes that are necessary for them to take final action on the NH SIP submittal, specifically a revision to the definition of low-load operation and additional recordkeeping requirements for startup, shutdown, and low-load operations. The proposed changes were also reviewed and developed with input from the affected facility.

New Hampshire submitted the RACT Certification after EPA issued a Finding of Failure to Submit on March 6, 2017 (82 FR 9158). The proposed revisions support EPA's approval of New Hampshire's submitted RACT Certification, so EPA will not have to issue a Federal Implementation Plan (FIP) to New Hampshire. Chairman Duval asked Director Wright about the "Failure to Submit" notice. Director Wright explained that startup/shutdown guidance rules were evolving at the time, and ARD was working with EPA to identify appropriate changes to NH rules before completing the SIP.

Chairman Duval asked Member Tillotson whether she had any comments on these proposed rules. She explained she had previous discussions with ARD staff in previous workshops on these rules, and had no further comments at this time.

J. Ryan Bielagus motioned to start the 15-day clock and Council member David Cribbie second the motion. All were in favor, motion passed.

4. Proposed Readoption of Env-A 1600, *Fuel Specifications*

Karla McManus, Planning and Rules Manager

John McCutcheon, Title V Permit Engineer

ARD is proposing to readopt Env-A 1600, *Fuel Specifications*, without any changes. The purpose of this rule is to prevent, abate, and control pollutants emitted into the ambient air by controlling the use of fuels containing specific pollutant elements and compounds, pursuant to RSA 125-C:6, II. It is due to expire on September 23, 2023. There was general discussion of fuel specifications in nearby states.

Lynn Tillotson motioned to start the 15-day clock and Council member Georgia Murray second the motion. All were in favor, motion passed.

New Business: None

Public Commentary: John Tuthill from Acworth asked the Council if the drafts that were discussed at today's meeting will be available to the public. Chair Robert Duval clarified to Mr. Tuthill that under state statutes, DES' draft rules are reviewed first with the Air Council members, who have 15 days to make advance comments before the drafts are released by DES to the general public. Chair Duval explained that in general all materials discussed at ARC meetings are public information, and copies can be provided upon request; alternatively, the drafts will be made public to all in 15 days' time.

Adjourn:

Having no further business to discuss, a motion to adjourn was made by J. Ryan Bielagus and seconded by Vice Chair Rudy Cartier Jr. All were in favor and Meeting #278 of the Air Resources Council adjourned at 9:59 am on November 14, 2022.